

ABSTRACT

This research discusses and analyses corporate responsibility in a perspective of the Indonesian penal policy, both against the prevailing criminal law (positive law) and the criminal law of the future (ius constituendum). Central themes that become legal issues in this dissertation are: (1) whether the legislation policy provides formulating corporate criminal acts clear, consistent and operational in corporate responsibility in criminal terms; (2) whether the sanction system and criminal responsibility in such legislation can be adequate and operational to prevent corporate criminal acts.

The two legal issues are discussed making the use of normative method by analyzing primary and secondary law materials.

In the research there were some problems in the positive law as the penal policy regarding inadequacy in formulating corporate criminal acts. Thus, there was no jurisprudence on corporation both as defendant and condemned. If corporate criminal responsibility still uses the principle of guilt in absolute sense, then there will be no jurisprudence on a criminal sanction for a corporation. Therefore the principle of strict and vicarious liability should be applied as a new concept in the penal code (in future time).

In addition, criminal sanctions in the positive law as the penal policy for application to corporation still raise problems. Thus, the criminal sanction to be imposed on the corporation should be categorized on the basis of the possible criminal punishment. Moreover, corporate criminal responsibility in the laws generally accepted as positive law was still unclear, in that whether abrogation of punishment in humans can be analogized to the corporation. The dimension of corporate crime is very complex and determination of its responsibility in criminal terms can be troublesome.

Key words:

- Corporate criminal responsibility**
- Penal policy**
- Corporate crime**